

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

In the Matter of:

Shanae Denise Potts

Debtor

Rebecca Hoyt Fischer, Trustee

Plaintiff

v.

AFS Acceptance, LLC

Defendant

Case no. 20-31053 HCD
Chapter 7

Adv. Proc. no. 20-3030

Order Approving Agreed Judgment

At South Bend, Indiana, on November 17, 2020.

Plaintiff Chapter 7 trustee Rebecca Hoyt Fischer has filed a Motion to Enter Agreed Judgment [ECF Doc 15]. Having reviewed the motion, the court finds it is proper. The court GRANTS the motion. The court now approves the Agreed Judgment attached to this Order.

SO ORDERED.



Harry C. Dees, Jr.
United States Bankruptcy Judge

Attachment: Agreed Judgment

UNITED STATES OF AMERICA
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE:)	Case
	No. 20-31053)	
SHANAE DENISE POTTS)	S.S.# xxx-xx-3642
Debtor.)	Chapter 7
	Bankruptcy)	
_____)		
REBECCA HOYT FISCHER, TRUSTEE)		
)	ADVER. PROC. NO. 20-03030	
Plaintiff,)		
)		
vs.)		
)		
AFS ACCEPTANCE, LLC)		
)		
Defendants.)		

AGREED JUDGMENT

A default judgment having been entered herein by the court on October 15, 2020, and the parties having agreed to set aside that judgment and instead request that the court enter an agreed judgment, and the court being duly advised:

IT IS HEREBY ORDERED that the Judgment entered by the court on October 15, 2020 is hereby set aside.

IT IS HEREBY ORDERED that the recording of AFS Acceptance, LLC's lien on a 2018 Hyundai Santa Fe Sport vehicle having VIN#5NMZT3LB7JH077852 (the "Vehicle") was a voidable preference under 11 U.S.C. §547. Said lien is hereby set aside and ordered null and void. AFS Acceptance LLC ("AFS") is therefore an unsecured creditor.

IT IS FURTHER ORDERED that the value of the avoided lien on the Vehicle shall be preserved for the benefit of the bankruptcy estate pursuant to Section 551.

IT IS FURTHER ORDERED that AFS shall release the lien on the title and forward the title to the Trustee within 15 days after the entry of this Judgment.

IT IS FURTHER ORDERED that the Indiana Bureau of Motor Vehicles is hereby ordered to issue to the Trustee a replacement Certificate of Title for the Vehicle with the lien of AFS removed, in the event that the original title is not received by the Trustee from AFS within 15 days after the entry of this Judgment.

Dated:

AFS Acceptance, LLC

By: Scott Richards 1587749
Its: Attorney
Scott R. Richards
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INDIANAPOLIS IN 46240

Rebecca Hoyt Fischer
Rebecca Hoyt Fischer, Trustee
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